**PASTORAL ACT AMENDMENT BILL 1935**

**House of Assembly, 26 November 1935, pages 1730-1**

Second reading

Introduced by the Commissioner of Crown Lands and read a first time.

Second reading

**The Hon. M. McINTOSH (Albert—Commissioner of Crown Lands)—**I referred to the proposal to introduce this Bill when moving the second reading of the Crown Lands Act Amendment Bill. It is a short Bill the object of which is to enable the Government to give relief to lessees holding land under the Pastoral Act, and to enable persons holding under the Crown Lands Act land which, though situated inside hundreds, is on the fringe of the pastoral country and suitable primarily for pastoral purposes, to surrender their leases, which are now under the Crown Lands Act, for pastoral leases. In each of these classes of settlers there are many men who in the opinion of the Government are deserving of assistance. The past few years have for them been years of drought and low prices. Lessees of cattle country have undoubtedly in a number of instances suffered large financial losses. Their production has not been sufficient to enable them to pay the rents fixed by the Pastoral Board. The reason is not so much that the rent is too high for normal years, as that the last few years have been abnormal. The rents for the new leases, of the pastoral country determined under the Act of 1929 were based on an estimated average of normal seasons and prices. Prior to the valuations by the Pastoral Board, the cattle country had experienced adverse conditions, and lessees had suffered heavy losses. The Board recognised that some temporary relief should be granted to assist lessees to tide over the time of distress and for this purpose, over a period of five years, a concession rental fixed on a sliding scale was granted, after which full rentals would be payable. It was expected that, after five years, normal seasons would return; conditions however did not improve, the drought continued and the pastoral country reached a condition worse than had ever been experienced during its occupation. Flocks and herds were depleted. The term of the concession rental is now expiring, but the Pastoral Board has no power to extend the period or to make any reduction in rent. The long period of unprecedented drought and low prices has severely strained the resources of the lessees and it is feared that if some relief is not granted, large areas will be abandoned, with the consequent depreciation of country unoccupied, and the loss of indirect revenue in addition to the rent.

The other provision in the Bill is made tomeet the cases of holders of Crown lands in hundreds bordering on the pastoral areas who have in many cases found it necessary to restrict agricultural operations and use their holdings almost exclusively as pastoral lands. In such cases it is obvious that the land will not be sufficiently productive to enable the lessee to pay the rent assessed on the assumption that the land could be profitably used for agriculture. The Government has, therefore, decided that it is just that these lessees should be given the opportunity of surrendering their existing Crown lease or agreement in exchange for pastoral leases. At present the Pastoral Acts do not apply to any land within hundreds and the authcrity of Parliament is required to enable the Government’s proposal to be carried out. It is obvious that a lower rental can be legitimately charged for a pastoral lease which has certain restrictions and is subject to revaluation, but these restrictions, and right to revalue, do not outweigh the advantages of the lower rental which the Board will undoubtedly fix in many cases for a pastoral lease issued in lien of a perpetual lease, which contains no power of revaluation. The fact that a settler surrenders his existing lease or agreement for a pastoral lease will not necessarily preclude him from using portion of the land for agriculture, as the following provision is inserted in all pastoral leases:—

The lessee will not during the said term, without the consent of the Commissioner first obtained, use any of the lands for agriculture, provided that if such consent has been first obtained, the Commissioner may revalue the rent of any land so used for agriculture.

But the consent of the Commissioner would not. be required to use the land for agriculture if the produce grown thereon is to be used solely for consumption on the land leased. Any Minister should use that power of cultivation very sparingly.

Mr. Melrose—This Bill is not only for the purpose of protecting the farmer, but to protect the land from the farmer.

The Hon. M. McINTOSH—That is so. If a man applies to surrender a perpetual lease for a pastoral lease he will have to understand that he is doing so subject to the provision that the Minister may restrict his agricultural activities.

Mr. Beerworth—The Minister would act on the recommendation of the Pastoral Board.

The Hon. M. McINTOSH—Yes. The object is to get much of the fringe country back into pastoral holdings, so that it will not be a source of financial danger to the holders and will afford greater protection with regard to drift.

Mr. Riches—Can any action be taken with regard to overstocking?

The Hon. M. McINTOSH—All new pastoral leases will contain that provision.

Mr. Riches—What power has the Board in that regard?

The Hon. M. McINTOSH—The power of cancellation. The Bill deals with the two matters which I have indicated. Clause 3 permits the surrender of Crown Leases and agreements, for pastoral leases. The first step to be taken under this clause is that the Government will proclaim the hundreds in which the surrender is permissible. When the hundreds have been proclaimed any holder of land under Crown lease or agreement may apply to the Commissioner of Crown Lands for permission to surrender. His case will be considered by the Pastoral Board which will make a recommendation to the Commissioner on the question whether the surrender should be accepted and on what terms a pastoral lease should be granted. The Board’s recommendations will be communicated to the applicant who may within three months accept or reject the terms offered. If he accepts them he will receive an ordinary pastoral lease under which the rent for the first 21 years will be that recommended by the Pastoral Board. The rent for the second 21 years will be as fixed under the Pastoral Act. A further provision in clause 3 provides that any Unoccupied Crown lands in a proclaimed hundred may be allotted under the Pastoral Acts.

Clause 4 deals with reduction of rents. It empowers the Commissioner to reduce any pastoral rents, if the Pastoral Board is satisfied that they are too high, having regard to the productive capacity of the land, and any other relevant factors. The reduction is to be for a period fixed by the Commissioner on the recommendation of the Board. If in the middle of the period of reduction the time arrives for the rent of the lease to be revalued in accordance with the Pastoral Act, the rent fixed on revaluation will not be payable until the end of the period of reduction. In revaluing the rent, however, the rent originally fixed by the Board will be taken as the basis. The effect of the clause is to give the Government power, on the recommendation of the Board, to allow surrender of land now held under perpetual leases for pastoral leases. As regards rents already fixed, the Government, on the recommendation of the Board, will have power to reduce those rents. Once the rents are fixed and accepted they are binding on both parties.

Mr. Robinson—Will the Board be able to handle the matter?

The Hon. M. McINTOSH—I do not think it will be overburdened in any way. The Board consists of Mr. J. H. McNamara, Surveyor- General, and Messrs. McGilp and Goode. Messrs. McGilp and Goode know our pastoral country intimately. They also know the individual holders, and in many cases are better acquainted with the holdings than the lessees themselves. The members of the Board are fair and reasonable men, not prejudiced in any way, and will stand up for the rights of the State as well as the lessees. I have the utmost confidence in asking the House to give the power asked for in this measure. I move the second reading.

Mr. LACEY secured the adjournment of the debate.